

By Senator Yantis:

"Amend by striking out Section 17."

Adopted.

Section 18 read.

Section 19 read.

This concluded the consideration of the bill by sections.

By Senator James:

"Amend line 27, Section 5, page 3, by adding after the word 'secretary' the following: 'Provided, that in cities and towns not incorporated under special charters the mayor or recorder shall act as the clerk of said court.'"

Lost.

By Senator Wayland:

"Amend the amendment offered by Senator Grinnan and adopted as follows: Strike out the words 'special charter' wherever they occur and insert in lieu thereof, 'general or special laws of the State.'"

Lost.

By Senator Terrell:

"Amend by striking out in line 31, page 7, and in line 3, page 8, the following words: 'the election of the recorder and.'"

Adopted.

By Senator Potter:

"Amend Section 4 by adding thereto the following: 'Provided, further, that the board of aldermen may provide by ordinance for the mayor to act as ex-officio recorder in all cities and towns not operating under special charter.'"

Adopted.

By Senator Greer:

"Amend by changing Sections 18, 19 and 20 by making them read now Sections 17, 18 and 19."

Adopted.

The bill as amended was then ordered engrossed.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Odell.
Burns.	Patterson.
Davidson.	Potter.
Dibrell.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
James.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	

Absent.

Johnson.	Neal.
Kerr.	Stone.
Morriss.	

Absent—Excused.

Goss.	Lewis.
Gough.	Yett.
Hanger.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Odell.
Burns.	Patterson.
Davidson.	Potter.
Dibrell.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
James.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	

Absent.

Johnson.	Neal.
Kerr.	Stone.
Morriss.	

Absent—Excused.

Goss.	Lewis.
Gough.	Yett.
Hanger.	

Senator Miller moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

"I vote for the present bill with reluctance, believing that in its amended form towns and cities in this State organized under the general laws are left the same mayors' or recorders' court that they now have under the general laws of this State, and inasmuch as said courts have been declared unconstitutional by the Court of Criminal Appeals, in so far as their jurisdiction is made concurrent with the courts of justice of the peace in said towns and cities, and for that reason that the bill will fail in its purpose and again be declared unconstitutional in the respect named, and cities and towns left without the relief I think them entitled to. However, I yield to the judgment of my brother Senators, regretting that the committee bill was not adopted, hoping that my judgment may be in error as to the effect of the various amendments to the bill adopted.

"ODELL,  
"MILLER."

On motion of Senator Potter, the Senate adjourned to 10 a. m. tomorrow.

TWENTY-FOURTH DAY.

Senate Chamber,

Austin, Texas, Friday, Feb. 10, 1899.

Senate met pursuant to adjournment.

President pro tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

Absent.

Neal.

Absent—Excused.

Goss.	Lewis.
Hanger.	Yett.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday.

On motion of Senator Ross, the same was dispensed with.

(Senator Potter in the chair.)

#### EXCUSED.

On motion of Senator James, Senator Morriss was excused for non-attendance on Wednesday and Thursday of this week on account of important committee work.

On motion of Senator Turney, Senator Kerr was excused for non-attendance on yesterday and day before on account of sickness.

On motion of Senator Sebastian, Senator Johnson was excused for non-attendance on Wednesday and Thursday of this week on account of important committee work.

On motion of Senator Yantis, Lieutenant-Governor Browning was excused for today on account of sickness.

On motion of Senator Stafford, Senator Neal was excused for today and tomorrow on account of important business.

#### PETITIONS AND MEMORIALS.

By Senator McGee:

Petition from citizens of Harrison county, praying for the passage of the Lloyd Anti-Tobacco bill and the Yett Cocaine-Opium bill.

Read and referred to Judiciary Committee No. 2.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Committee substitute bill No. 55, being "An Act to establish and create in each of the cities, towns and villages of this State, a State court to be known as the corporation court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 20, being "An Act to set apart and appropriate to the permanent school fund of the State of Texas, all of the land heretofore or hereafter recovered from railway companies, or other persons, firms or corporations; and to provide for the disposal of the same,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 48, being "An Act to amend Chapter No. 134, Sections Nos. 1, 7, 15, of the General Laws of the Twenty-fifth Legislature, of 'An Act to create a more efficient road system for Hill, Cooke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners and defining the powers and duties of such county commissioners and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road,

and to provide for the summoning of teams for road work and for an allowance of time of road service for same and fixing a penalty for a violation of this act, and to repeal laws in conflict with this act,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 6, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 39, being "An Act to provide for the payment of tax assessors for taking agricultural statistics in the several counties where they were taken for the year 1895, and making appropriation therefor,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 6, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 94, being a bill to be entitled "An Act to extend the time within which lands heretofore sold to the State or which may hereafter be sold to the State for taxes under decree of court, under the provisions of Chapter 42, Laws of 1895, and Chapter 103, Laws of 1897, may be redeemed; providing the manner of such redemption and repealing all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 144, being a bill to be entitled "An Act to authorize the Texas & New Orleans Railroad Company to own and operate or to amend its charter or articles of incorporation so as to authorize it to own and operate, a railroad connection between the railroad known as the Sabine & East Texas Railway, and the railroad known as the Texas Trunk Railroad, and to construct such railroad as may be requisite for the purpose of

making such railroad connection: to confirm the purchase by the Texas & New Orleans Railroad Company of said railroad, known as the Sabine & East Texas Railway, its franchises and appurtenances, and to authorize said railroad company to own and operate the same: to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances: to authorize the owners of each of said railroads to sell the same with its franchises and appurtenances, to the said Texas & New Orleans Railroad Company, to prescribe the conditions upon which such sales shall be valid; to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value, as the same is or may be fixed by the Railroad Commission of Texas, of such of said railroads and their respective franchises and appurtenances as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid, connecting the Sabine & East Texas Railway with the Texas Trunk Railroad; and to regulate the reports of such properties and the operation thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

House bill No. 123, being a bill to be entitled "An Act to authorize the Southern Kansas Railway Company of Texas to purchase the Panhandle Railway, and to operate the same under the charter of the Southern Kansas Railway Company of Texas, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter, under the General Laws of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 102, being a bill to be entitled "An Act to amend Title XLVII, of the Revised Civil Statutes of 1895, relating to the fiscal year, requiring the fiscal year to terminate on the 30th of June each year, and requiring the appropriations for the support of the State Government shall conform thereto, and to amend and conform other articles of the statute to said date,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GOUGH, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 103, being a bill to be entitled "An Act to amend Section 23, of Article 1194, of the Revised Civil Statutes of the State of Texas, regulating the venue of suits against private corporations, associations, and joint stock companies, so as to permit suits against carriers to be brought in any county in which the carrier on whose line the freight or baggage originated or was first shipped has an office or agency, and against whom, with others, damages are claimed, or in any county in which is situated a depot, town or point to which the freight or baggage was consigned or shipped, and to permit two or more carriers to be joined in one suit,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 49, being a bill to be entitled "An Act to restore and confer upon the County Court of Bexar county the civil and criminal jurisdiction heretofore belonging to the said court, under the Constitution and General Laws of the State, and to confer the jurisdiction of the district court of said county to

such change, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 127, being a bill to be entitled "An Act to amend Section 1, Article 5043, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and to place Eastland county under the provisions of the law relating to the inspection of hides and animals,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TURNEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 75, being a bill to be entitled "An Act to amend Article 5043 of the Revised Civil Statutes of the State of Texas, as amended by Act of the Twenty-fifth Legislature, so as to exempt certain counties therein named from the provision of Title CII, Chapter 6, relating to the inspection of hides and animals,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TURNEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 213, being a bill to be entitled "An Act to amend Articles 4936 and 4937, of the Revised Civil Statutes of the State of Texas, so as to afford more adequate protection to persons and stock-raisers in the stock-raising part of this State, in all counties not expressly exempted from the operation of this law."

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

TURNEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 9, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 130, being a bill to be entitled "An Act to amend Sections 1 and 2, of Chapter 153, of the General Laws of the State of Texas passed at the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to prohibit the taking of fish from the fresh water lakes and streams of this State otherwise than by means of the ordinary hook and line and trot line, and prohibit the sale or shipment of game fish in this State, and to provide penalties for the violation thereof, and to exempt the counties of Stephens, Eastland and Palo Pinto from the provisions of said chapter,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

TURNEY, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Miller:

Senate bill No. 146, A bill to be entitled "An Act to locate a State normal school in the city of Oak Cliff, to provide for plans and estimates for constructing the necessary buildings thereof, to accept and secure the donation offered by said city, and to organize and put the same in operation.

Read first time, and referred to Committee on Education.

By Senator Miller:

Senate bill No. 147, A bill to be entitled "An Act to compel street railway companies of this State to so arrange their cars that the motorman, gripman or driver shall not be exposed to the weather, and providing a penalty for failure to do so."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stafford:

Senate bill No. 148, A bill to be entitled "An Act to amend Article 244, of Chapter 2, Title IV, of the Code of Criminal Procedure of the State of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stafford:

Senate bill No. 149, A bill to be entitled

"An Act to extend the time until the 1st day of January, 1902, in which the affairs of the Franco-Texan Land Company, a defunct private corporation, may be administered and wound up by the District Court of Parker county, Texas, in cause No. 3305, now pending in said court."

Read first time, and referred to Committee on Internal Improvements.

By Senator Stafford:

Senate bill No. 150, A bill to be entitled "An Act to amend Article 549a, Title The House met at 9:30 o'clock a. m., XIV, Chapter 1, of the Penal Code of the State of Texas of 1895, by adding Article 533 of said title and chapter."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stafford:

Senate bill No. 151, A bill to be entitled "An Act to amend Article 958 (805), Title XVIII, Chapter 1, of the Penal Code of the State of Texas, in relation to conspiracy to commit murder, rape, etc."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Yantis (by request):

Senate bill No. 152, A bill to be entitled "An Act to prohibit the manufacture and sale of adulterated candy, and to provide a penalty for such manufacture or sale."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate bill No. 153, A bill to be entitled "An Act to amend Section 22, of 'An Act to fix certain civil fees to be charged by certain county and precinct officers, and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes and regulate the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessors and collectors of taxes, justices of the peace and constables, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith, approved June 16th, 1897,' so as to fix and limit the compensation of clerks of the district courts for certain services."

Read first time, and referred to Committee on State Affairs.

By Senator Terrell:

Senate Concurrent Resolution No. 9: Resolved by the Senate, the House of Representatives concurring, that Com-

Comodore Phillip, who commanded with such distinction the battleship Texas during the late war with Spain, be and he is hereby cordially invited to visit the State Capital as the guest of the Legislature while on his visit to Texas.

That the Secretary of the Senate is hereby directed to furnish an official engrossed copy of this resolution to Commodore Phillip at once.

Resolution read.

By Senator Stafford:

"Amend by adding after the words 'he is' the words 'together with his crew.'"

Adopted.

By Senator Atlee:

"Strike out the latter clause and insert the following: 'That an engrossed copy of this resolution be furnished the Governor, and that the Governor be requested to extend the invitation, accompanying the same with this resolution.'"

Adopted.

The resolution as amended was then unanimously adopted.

Call concluded.

(President pro tem Stafford in the chair.)

On motion of Senator Wayland, the regular order of business was suspended to take up, on second reading, Senate bill No. 114. A bill to be entitled "An Act to amend Articles 3862, 3863 and 3866, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College of Texas."

Bill read second time.

By Senator Dibrell:

"Amend in line 18, page 1, Article 3862, by striking out the word 'nominated' and substitute 'appointed,' in lieu thereof, and by striking out the words 'and appointed.'"

Adopted.

By Senator Dibrell:

"Amend in line 29, page 1, Article 3866, by striking out the words 'each of,' and by adding after the word 'directors' the following, 'shall serve without compensation.'"

Adopted.

By Senator Wayland:

"Amend in line 25, page 1, Article 3863, by adding after the word 'appointment' the following, 'and until their successors are appointed and qualified.'"

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Wayland the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	

Absent.

Yantis.

Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Bill read third time, and passed by the following vote:

Yeas—24.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Linn.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.

Absent.

Kerr.

Yantis.

Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Senator Wayland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Tabled.

#### SPECIAL ORDERS.

The Chair laid before the Senate,

Senate bill No. 47, A bill to be entitled "An Act to create and maintain a more efficient public road system for Cass county," consideration of which, on motion of Senator Morriss, was postponed, and the bill made special order for Monday next after call.

The Chair then laid before the Senate special order (No. 2), on second reading,

Substitute Senate bill No. 68, A bill to be entitled "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms or dogs, upon the enclosed lands of another in all coun-

ties within this State not especially named as exempt from the provisions of this act, and to provide a penalty therefor," action being on engrossment.

By Senator Davidson:

"Amend by adding to Section 1, the following: 'By enclosed land is meant any structure for fencing, either of wood or iron, or a combination of wood and iron, or wood and wire or partly enclosed by a fence of iron or wood, or wood and iron, or wood and wire; and partly by water or stream or canon or bluff, or any of the islands, provided same are used for pasturage or cultivation as designated herein.'"

By Senator Terrell:

"Amend the amendment by inserting after the word 'canon' the words 'brush or rock.'"

Adopted.

The amendment as amended was adopted.

By Senator Wayland:

"Amend by adding to exempt counties 'Freestone and Limestone.'"

Adopted.

By Senator Greer:

"Amend the bill, page 2, line 9, by inserting the word 'knowingly' between the words 'persons' and 'to,' also amend section 2, line 14, page 2, by inserting the word 'knowingly' between the words 'shall' and 'without.'"

Adopted.

By Senator Gough:

"Amend by adding the counties of Collin and Hunt to the list of exempted counties."

Adopted.

By Senator McGee:

"Amend by adding to Section 4, page 1, the following: 'Harrison, Rusk, Shelby, Panola.'"

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Atlee, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	

Absent.

Yantis.

Absent—Excused.

Goss.  
Hanger.  
Lewis.

Neal.  
Yett.

Bill read third time, and passed by the following vote:

Yeas—20.

Atlee.  
Burns.  
Davidson.  
Greer.  
Grinnan.  
James.  
Johnson.  
Kerr.  
Lloyd.  
McGee.

Morriss.  
Odell.  
Potter.  
Ross.  
Sebastian.  
Stafford.  
Stone.  
Terrell.  
Turney.  
Wayland.

Nays—4.

Gough.  
Linn.

Miller.  
Patterson.

Absent.

Dibrell.

Yantis.

Absent—Excused.

Goss.  
Hanger.  
Lewis.

Neal.  
Yett.

#### HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives,  
Austin, Texas, Feb. 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bill:

Substitute House bill No. 265, "An Act to amend Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, by adding thereto Article 2904a and Article 2904b and Article 2905a, providing for the appointment by the Attorney-General of this State of a First Office Assistant Attorney-General, a Second Office Assistant Attorney-General and a Third Office Assistant Attorney-General, and prescribing the duties and fixing the salaries of the same."

Also that the House has passed Senate bill No. 79.

Also House Concurrent Resolution No. 22, inviting the officers of the battleship Texas to visit Austin.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## IN SENATE.

The above reported House bill No. 265, was read first time, and referred to Judiciary Committee No. 1.

Senator Atlee moved to reconsider the vote by which Senate Concurrent Resolution No. 9 (*supra*) was adopted.

Reconsidered.

Senator Atlee then called up House Concurrent Resolution No. 22, (see House message *supra*) and moved to substitute it for Senate Concurrent Resolution No. 9, under consideration.

Substituted.

The resolution as substituted was then adopted.

## BILLS ON SECOND READING.

On motion of Senator James the regular order of business was suspended to take up, on second reading,

Senate bill No. 90. A bill to be entitled "An Act declaring the theft of cotton of the value of twenty dollars or over a felony, and under the value of twenty dollars a misdemeanor, and affixing a penalty thereto."

Bill read (in full at request of Senator Gough) second time.

By Senator Gough:

"Amend by striking out the word 'twenty' in lines 11 and 15 of the bill, and insert in lieu thereof the word fifty."

Lost.

By Senator Davidson:

"Amend by adding to Section 1, the following: In line 11, page 1, after the word 'felony' and if any person steal any seed cotton from the field of another at night time shall be deemed guilty of a felony."

Adopted.

Bill as amended ordered engrossed.

## SPECIAL COMMITTEE.

The Chair announced the following special committee as per House Concurrent Resolution No. 22, Senators Dibrell, Odell, Atlee, Turney and Terrell.

On motion of Senator Turney the regular order of business was suspended to take up, on its third,

Senate bill No. 20, A bill to be entitled "An Act to set apart and appropriate to the permanent school fund of the State of Texas, all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations: and to provide for the disposition of the same."

Bill read third time and passed.

On motion of Senator Miller, Senate bill No. 3, A bill to be entitled "An Act to provide for the sale of real estate

under mortgage, deed of trust or other lien, and to provide for the sale of land under execution, and for the appraisement of land sold under mortgage, deed of trust, execution or other lien, and to provide for the right of redemption of real estate within two years from date of sale when sold under execution, mortgage, deed of trust or other lien; and to repeal all laws in conflict herewith," was made special order for tomorrow after call.

On motion of Senator Grinnan the regular order of business was suspended to take up, on second reading,

House bill No. 351, A bill to be entitled "An Act to fix the time for holding the courts in the Thirty-fifth Judicial District, and to repeal all laws in conflict therewith."

Bill read second time and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
Gough.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Bill read third time, and passed by the following vote:

## Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.



## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

On motion of Senator Terrell the regular order of business was suspended to take up, on second reading,

Senate bill No. 70, A bill to be entitled "An Act to collect fines and costs where convictions are had in felony cases, and providing for working and hiring out such convicts as in misdemeanor cases."

Bill read second time and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—24.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Linn.	Terrell.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent.

Kerr.	Turney.
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## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Bill read third time, and passed by the following vote:

## Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Odell.
Dibrell.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

On motion of Senator Greer the regular order of business was suspended to take up, on second reading,

Substitute Senate bill No. 17, A bill to be entitled "An Act requiring claimant of the title to land under the statute of limitation of ten years, having no written memorandum of title of record, to record a declaration of his claim; and providing what said declaration shall contain; and defining the rights of innocent purchasers of land so claimed; and further providing compensation to the clerks for recording same," action being on the substitute by the committee.

Committee substitute read and adopted.

Bill as substituted ordered engrossed.  
(Senator Gough in the chair.)

On motion of Senator Terrell further consideration of the bill was postponed, and the bill made special order for Tuesday next, after call.

On motion of Senator McGee the regular order of business was suspended to take up, on second reading,

Senate bill No. 95, A bill to be entitled "An Act providing for perfecting appeals in criminal cases from convictions had in justice courts or other inferior courts, to the county court."

Bill read (in full at request of Senator Turney) second time.

Bill ordered engrossed.

On motion of Senator McGee, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—24.

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Linn.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.

## Absent.

Kerr.	Dibrell.
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## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Bill read third time and passed by the following vote:

## Yeas—25.

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
James.	Stone.
Johnson.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	

## Absent.

Kerr.

## Absent—Excused.

Goss.	Yett.
Hanger.	Neal.
Lewis.	

(President pro tem Stafford in the Chair.)

Senator McGee moved to suspend the regular order of business to take up

Senate bill No. 62, A bill to be entitled "An Act to amend subdivision 4, of Article 3050, of Chapter 2, Title LVIII, of the Revised Civil Statutes of the State of Texas, requiring the calculations of net value of life and health insurance policies in this State to be based upon the American Experience Table of Mortality at four per cent. interest."

Lost.

On motion of Senator Linn, the regular order of business was suspended to take up, on second reading,

Senate bill No. 81, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections by authorized persons."

Bill read second time, and ordered engrossed by the following vote:

## Yeas—17.

Atlee.	Morriss.
Dibrell.	Ross.
Gough.	Sebastian.
Greer.	Stafford.
Grinnan.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
Miller.	

## Nays—8.

Burns.	McGee.
Davidson.	Odell.
James.	Patterson.
Johnson.	Potter.

## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

On motion of Senator Linn, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—20.

Atlee.	Morriss.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
Miller.	Yantis.

## Nays—5.

Burns.	McGee.
Davidson.	Patterson.
Johnson.	

## Absent.

Stone.

## Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Bill read third time.

By Senator Terrell:

"Amend by inserting the following after the word 'deceased,' line 20, page 2, 'or an intimate friend to the deceased, who shall swear he desires such body for burial.'"

By Senator McGee:

"Amend the amendment by striking out the word 'intimate.'"

Adopted.

The amendment as amended was adopted.

The bill as amended was then passed by the following vote:

## Yeas—16.

Atlee.	Miller.
Dibrell.	Morriss.
Greer.	Sebastian.
Grinnan.	Stafford.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Nays—8.

Burns.	Odell.
Davidson.	Patterson.
James.	Potter.
Johnson.	Ross.

## Absent—Excused.

Goss. Neal.  
Hanger. Yett.  
Lewis.

On motion of Senator Lloyd, the regular order of business was suspended to take up, on second reading,

Senate bill No. 76, A bill to be entitled "An Act to prevent the sale of cigarettes and tobacco to persons under the age of sixteen years, and to prescribe a penalty for violating the same."

Bill read second time.

By Senator Lloyd:

"Amend Section 1, line 12, by striking out the word 'twenty' and inserting the word 'ten.'"

Adopted.

By Senator Terrell:

"Amend by inserting after the word 'shall,' in line 9, the word 'knowingly.'"

Lost.

By Senator Dibrell:

"Amend by adding after the word 'years,' in line 11, the following, 'or knowingly sell to any other person for delivery to such minor.'"

Adopted.

By Senator Potter:

"Amend by striking out '16' and inserting '18.'"

Lost by the following vote:

## Yeas—11.

Atlee. Odell.  
Burns. Potter.  
Greer. Ross.  
James. Stafford.  
Johnson. Terrell.  
Morris.

## Nays—14.

Davidson. McGee.  
Dibrell. Miller.  
Gough. Patterson.  
Grinnan. Sebastian.  
Kerr. Turney.  
Linn. Wayland.  
Lloyd. Yantis.

## Absent.

Stone.

## Absent—Excused.

Goss. Neal.  
Hanger. Yett.  
Lewis.

Bill as amended ordered engrossed.

On motion of Senator Atlee, the regular order of business was suspended to take up, on second reading,

Senate bill No. 134, A bill to be entitled "An Act to abolish the unorganized county of Encinal; to establish the boundaries of Webb county so as to include

the territory of said unorganized county; to provide for transfer of funds belonging to said county in the State treasury to the treasury of Webb county; and for the collection of taxes due from non-residents."

Bill read second time, and ordered engrossed.

On motion of Senator Atlee, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—24.

Atlee. Miller.  
Burns. Morris.  
Davidson. Odell.  
Gough. Patterson.  
Greer. Potter.  
Grinnan. Ross.  
James. Sebastian.  
Johnson. Stafford.  
Kerr. Terrell.  
Linn. Turney.  
Lloyd. Wayland.  
McGee. Yantis.

## Absent.

Dibrell.

Stone.

## Absent—Excused.

Goss. Neal.  
Hanger. Yett.  
Lewis.

Bill read third time, and passed by the following vote:

## Yeas—25.

Atlee. Miller.  
Burns. Morris.  
Davidson. Odell.  
Dibrell. Patterson.  
Gough. Potter.  
Greer. Ross.  
Grinnan. Sebastian.  
James. Stafford.  
Johnson. Terrell.  
Kerr. Turney.  
Linn. Wayland.  
Lloyd. Yantis.  
McGee.

## Absent.

Stone.

## Absent—Excused.

Goss. Neal.  
Hanger. Yett.  
Lewis.

On motion of Senator Miller, Senate bill No. 62 (see caption *supra*—McGee's motion to take up) was made special order for Monday next after call.

On motion of Senator Davidson, House bill No. 149, "An Act to extend terms and prescribe the time of holding the

terms of the district courts of the Thirty-seventh and Forty-fifth districts of Texas," was recommended to Committee on Judicial Districts.

On motion of Senator Grinnan, Senate bill No. 91, being a bill to be entitled "An Act for the appointment of a receiver to take charge, control and management of all the property and assets of any railroad company when the enforcement of any of the freight or tariff rates fixed by the Railroad Commission is or has been enjoined by suit in any court, State or Federal," beg leave to recommend that the bill do pass, was made special order for Tuesday next after call.

#### RESOLUTION.

By Senator Linn:

Be it resolved, That the Senate do, when it adjourns Tuesday, February 14, adjourn to Friday morning, February 17, so that the members of this body may avail themselves of the invitation extended by the citizens of Galveston, leaving here at 7:30 a. m., on February 15, on the special free train, which will be provided by the citizens of Galveston.

Adopted by the following vote:

#### Yeas—15.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Ross.
Gough.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Linn.	Wayland.
McGee.	

#### Nays—10.

Davidson.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Johnson.	Terrell.
Lloyd.	Yantis.

#### Absent.

Stone.

#### Absent—Excused.

Goss.	Neal.
Hanger.	Yett.
Lewis.	

Senator Yantis moved to adjourn to Monday next at 10 a. m.

Senator Dibrell moved to adjourn to tomorrow, 10 a. m.

The Senate adjourned to Monday, 10 a. m.

#### TWENTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas, Monday, Feb. 13, 1899.  
Senate met pursuant to adjournment.

President pro tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Neal.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Gough.	Ross.
Grinnan.	Sebastian.
Kerr.	Stafford.
Lloyd.	Terrell.
McGee.	Turney.
Miller.	Yantis.
Morriss.	Yett.

#### Absent.

Greer.	Linn.
James.	Stone.
Johnson.	Wayland.

#### Absent—Excused.

Goss.	Lewis.
Hanger.	

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of Friday,

Senator Patterson moved to dispense with the same.

Lost.

Pending further reading, Senator Miller moved to dispense with the further reading of the same.

Ruled out of order.

Senator Turney made the point of order that the motion was in order inasmuch as the Secretary had proceeded with the reading.

Overruled.

Pending further reading, Senator Dibrell moved to reconsider the vote by which the Senate refused to dispense with the reading of the Journal.

Reconsidered, and on motion of Senator Dibrell further reading was dispensed with.

#### EXCUSED.

On motion of Senator Morriss, Senator James was excused for today on account of important business.

On motion of Senator Lloyd, Journal Clerk W. B. O'Quinn was excused for today and tomorrow on account of sickness in his family.

On motion of Senator Gough, Senator Linn was excused for today and tomorrow on account of important business.

On motion of Senator Miller, Assistant Door-Keeper V. F. Pace was excused for today and tomorrow on account of sickness in his family.